

ADMITTED IN:
CALIFORNIA
TEXAS

LAW OFFICES OF
JEFFORY J. SCHARFF
2625 FAIR OAKS BOULEVARD, SUITE 7
SACRAMENTO, CALIFORNIA 95864
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TELEPHONE
(916) 485-5882
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May 19, 2006

Via Email

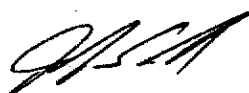
Ms. Elizabeth Miller Jennings
Senior Staff Counsel
State Water Resources Control Board
Office of Chief Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95814

Re: **Humboldt Road Burn Dump Area 7**
Cleanup and Abatement Order No. R5-2006-0710

Dear Ms. Jennings:

I am writing to you on behalf of Virginia L. Drake, Trustee of the Drake Revocable Trust and petitioner of the above-referenced Order to provide a copy of the petition for review which has been filed on the Trustee's behalf. As you will note, this petition has been filed with the request that it be held in abeyance.

Sincerely,



Jeffory J. Scharff

JJS/hv

Enclosure

cc: Client (via email)
Randy Nelson, Esq. (via email)
Mac Goldsberry, II, Esq. (via email)
Dave Frank, Esq. (via email)
Frances McChesney, Esq. (via email)
David Boyers, Esq. (via email)
Pamela Creedon (via mail)

1 JEFFORY J. SCHARFF, State Bar No. 137620
MARK WETTERS, State Bar No. 215767
2 Law Offices of Jeffory J. Scharff
2625 Fair Oaks Boulevard, Suite 7
3 Sacramento, California 95864
Telephone: (916) 485-5882
4 Facsimile: (916) 445-5912

5 Attorneys for Virginia L. Drake,
Trustee of the Drake Revocable Trust
6
7

8 BEFORE THE CALIFORNIA STATE
9 WATER RESOURCES CONTROL BOARD

10					PETITION FOR REVIEW
11	In Re:)			(Requested to be held in Abeyance)
12	Virginia L. Drake, Trustee of the Drake)			California Regional Water Quality Control
13	Revocable Trust, James E. Simmons, Darwin)			Board—Central Valley Region, Adoption of
14	H. and Nina R. Simmons, Trustees of the)			Cleanup and Abatement Order No. R5-
15	Simmons Family Trust, and City of Chico)			2006-0710

16 TO ALL PARTIES AND THE ATTORNEYS OF RECORD IN THIS ACTION:

17 The following is a Petition for Review, filed on behalf of Virginia L. Drake, Trustee of
18 the Drake Revocable Trust, to the State Water Resources Control Board for review of the
19 California Regional Water Quality Control Board's adoption of Cleanup and Abatement Order
20 No. R5-2006-0710.

21 1. **Petitioner's Name and Address** (23 Cal. Code Regs. §2050 (a)(1))

22 Virginia L. Drake, Trustee
23 Drake Revocable Trust
24 P.O. Box 1448
Chico, CA 95927

25 2. **Specific Action to be Reviewed** (23 Cal. Code Regs. §2050(a)(2))

26 Issuance of Cleanup and Abatement Order No. R5-2006-0710.

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1 3. **Date of Regional Board Action** (23 Cal. Code Regs. §2050(a)(3))

2 Kenneth D. Landau, Assistant Executive Officer of the California Regional Water Quality
3 Control Board—Central Valley Region issued the above-referenced Cleanup and Abatement
4 Order No. R5-2006-0710 on April 28, 2006.

5 4. **Statement of Reasons** (23 Cal. Code Regs. §2050 (a)(4))

6 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
7 §2050.5 and reserves the right to supplement this Petition for Review with submission of a
8 statement of reasons.

9 5. **Manner in Which Petitioner is Aggrieved** (23 Cal. Code Regs. §2050 (a)(5))

10 See No. 4 above.

11 6. **Specific Action Requested** (23 Cal. Code Regs. §2050(a)(6))

12 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
13 §2050.5 and reserves the right to request review.

14 7. **Statement of Points and Authorities** (23Cal. Code Regs. §2050 (a)(7))

15 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
16 §2050.5 and reserves the right to submit a statement of points and authorities.

17 8. **Regional Board Notification** (23 Cal. Code Regs. §2050(a)(8))

18 A copy of this petition has been sent to the Regional Water Quality Control Board.

19 9. **Statement of Substantive Issues and Objections** (23Cal. Code Regs. §2050(a)(9))

20 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
21 §2050.5 and reserves the right to assert the substantive issues and objections that the petitioner
22 previously asserted.

23 10. **List of Persons**

24 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
25 §2050.5 and reserves the right to provide a list of persons known to have an interest in the
26 subject matter of the petition.

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1 11. **Record Request**

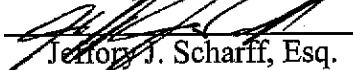
2 Petitioner requests that the petition be held in abeyance pursuant to 23 Cal. Code Regs.
3 §2050.5 and reserves the right to request that the Regional Water Quality Control Board prepare
4 the record.

5 PETITIONER HEREBY REQUESTS that this matter be held in abeyance until further
6 notice. Petitioner reserves the right to request a hearing to present evidence available that was
7 not considered by the Regional Board or was improperly excluded or otherwise not considered.

8 Dated: May 19, 2006

Respectfully submitted,

9 LAW OFFICES OF JEFFORY J. SCHARFF

10
11 By: 
12 Jeffory J. Scharff, Esq.
13 Attorney for Virginia L. Drake, Trustee
14 Drake Revocable Trust

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I am at least 18 years of age and not a party to this action. I am employed by the Law Offices of Jeffory Scharff in the County of Sacramento. My business address is 2625 Fair Oaks Boulevard, Suite 7, Sacramento, California, 95864. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service.

I declare under penalty of perjury pursuant to the laws of the state of California that the foregoing is true and correct and that this declaration was executed on May 19, 2006, at Sacramento, California.


Heather Venglik

Attorneys for Darwin H. and Nina R.
Simmons, Trustees Simmons Family Trust;
James E. Simmons

David R. Frank
Office of the City Attorney
411 Main St., 3rd Floor
P. O. Box 3420
Chico, CA 95927

Francis M. "Mac" Goldsberry, II, Esq.
Goldsberry, Freeman & Guzman, LLP
777 12th Street, Suite 250
Sacramento, CA 95814

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Michael V. Brady, Esq.
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400 Capitol Mall, Suite 1800
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Frances McChesney, Esq.
State Water Resources Control Board
P.O. Box 100, Sac, CA 95812-0100
1001 I Street, 22nd Flr., 95814
Sacramento, CA 95814

Attorneys for Baldwin Contracting
Company, Inc.

David Boyers, Esq.
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P.O. Box 100, Sac, CA 95812-0100
1001 I Street, 22nd Flr., 95814
Sacramento, CA 95814

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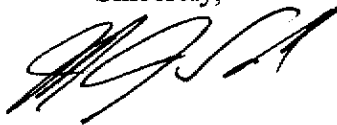
Pamela Creedon
Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Dr., #200
Rancho Cordova, CA 95670-6114

Re: **Humboldt Road Burn Dump Area 7**
Cleanup and Abatement Order No. R5-2006-0710

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Sincerely,



Jeffory J. Scharff

JJS/hv

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David Boyers, Esq. (via email)
Elizabeth Miller Jennings, Esq. (via email)